

FEDERAL REGISTER

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

VOLUME 4 NUMBER 108

Washington, Tuesday, June 6, 1939

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY
[Amendment No. 13 of Civil Air Regulations]
REQUIRING THE USE OF ADEQUATE AND SAFE AIR TRAFFIC CONTROL PROCEDURES AND PHRASEOLOGIES

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 2nd day of June 1939. Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Part 60 of the Civil Air Regulations is hereby amended as follows:

1. By the addition of a new section, § 60.38, reading as follows:

"60.38 *Air Traffic Control Procedures and Phraseologies.* Airmen shall observe air traffic control procedures and phraseologies which shall provide adequately for safety in the operation of aircraft in air commerce and which are best adapted to ready understanding by the flying public."

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-1937; Filed, June 5, 1939; 11:27 a. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2639]

IN THE MATTER OF GEORGE HENRY BRINKLER

§ 3.6 (y 1) *Advertising falsely or misleadingly—Scientific or other relevant*

facts. Representing, in connection with offer, etc., in commerce, of correspondence courses in diet and health, that congestion or waste matter in the blood is the cause of all diseases, or that there is only one disease, starvation of the affected part or parts, and that every disease yet to be discovered and named is necessarily a result of poor circulation of the blood or starvation of affected tissues, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, George Henry Brinkler, Docket 2639, May 23, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in commerce, of correspondence courses in diet and health, that the diet or method of treatment outlined in said courses of instruction offered for sale and sold by him is a competent or adequate treatment for the cure and elimination of all diseases, or for any diseases except the restricted number of diseases caused by diet deficiency, or that said diet or method is a competent or adequate treatment of appendicitis, congestion of the brain, cancer, goiter, tuberculosis, heart trouble, diabetes, asthma, blood clots, deafness, cataract, indigestion, arthritis, osteomyelitis, paresis, typhoid fever, gall stones, or septicemia, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, George Henry Brinkler, Docket 2639, May 23, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 23rd day of May, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer

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Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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of the respondent, testimony and other evidence taken before John W. Addison, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs filed herein, no oral arguments having been made, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated

the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, George Henry Brinkler, his representatives, agents and employees, individually or under any trade name or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce as commerce is defined in the Federal Trade Commission Act, of correspondence courses in diet and health, do forthwith cease and desist from:

(1) Representing that congestion or waste matter in the blood is the cause of all diseases.

(2) Representing that the diet or method of treatment outlined in said courses of instruction offered for sale and sold by him is a competent or adequate treatment for the cure and elimination of all diseases, or for any diseases except the restricted number of diseases caused by diet deficiency.

(3) Representing that the diet or method of treatment outlined in said courses of instruction is a competent or adequate treatment of appendicitis, congestion of the brain, cancer, goiter, tuberculosis, heart trouble, diabetes, asthma, blood clots, deafness, cataract, indigestion, arthritis, osteomyelitis, paresis, typhoid fever, gall stones, or septicemia.

(4) Representing that there is only one disease, starvation of the affected part or parts, and that every disease yet to be discovered and named is necessarily a result of poor circulation of the blood or starvation of affected tissues.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1925; Filed, June 5, 1939;
10:14 a. m.]

[Docket No. 3521]

IN THE MATTER OF ELITE PUBLISHING
COMPANY

§ 3.6 (g) Advertising falsely or misleadingly—Earnings: § 3.72 (c) Offering deceptive inducements to purchase—Excessive earnings. Representing, in connection with offer, etc., in commerce, of certain books describing plans or methods of setting up businesses, and known as "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans", any specified sum of money as possible earnings or profits which might accrue to purchasers of respondents' books or publications by following one or more of

the plans suggested therein, which is not a true representation of the average net earnings or profits consistently made by purchasers by said means in the ordinary course of business and under normal conditions and circumstances, or any specified sum of money as earnings or profits which have accrued to any purchaser of said books or publications, who has followed one or more of the plans suggested therein, which is not a true representation of the consistent net earnings by such purchasers by said means in the ordinary course of business and under normal conditions and circumstances, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Elite Publishing Company, Docket 3521, May 25, 1939]

§ 3.6 (f) Advertising falsely or misleadingly—Demand or business opportunities. Representing or holding out, in connection with offer, etc., in commerce, of certain books describing plans or methods of setting up businesses, and known as "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans", by the use of such expressions as "Independent Wealth", "Sizable Business", "Thousands of Dollars a Year", and words of like or similar import, that purchasers of said books will, by following one or more of respondents' plans, attain considerable financial worth unless such success has usually or customarily been attained by such purchasers under normal business conditions and in the due course of business, or that the use of the plans or any of them is certain to result in financial gain or may be undertaken without risk of loss, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Elite Publishing Company, Docket 3521, May 25, 1939]

§ 3.6 (n) (2) Advertising falsely or misleadingly—Nature—Product. Representing, in connection with offer, etc., in commerce, of certain books describing plans or methods of setting up businesses, and known as "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans", that any booklet, folder, circular, or the like, describes plans for independent business ventures, unless and until it does in fact describe such plans, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Elite Publishing Company, Docket 3521, May 25, 1939]

§ 3.6 (y) 1) Advertising falsely or misleadingly—Scientific or other relevant facts. Representing, in connection with offer, etc., in commerce, of certain books describing plans or methods of setting up businesses, and known as "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans", that the chance of a person starting an independent business achiev-

ing success is greater than that of one who works for a salary, unless and until such fact is established by authentic and reliable statistics, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Elite Publishing Company, Docket 3521, May 25, 1939]

§ 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (n 1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of certain books describing plans or methods of setting up businesses, and known as "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans," that no peddling or house-to-house canvassing is necessary, if in fact either is normally involved in the conduct of respondents' plans, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Elite Publishing Company, Docket 3521, May 25, 1939]

§ 3.6 (m 5) *Advertising falsely or misleadingly—Legality or legitimacy.* Representing, in connection with offer, etc., in commerce, of certain books describing plans or methods of setting up businesses, and known as "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans," that the said plans are legitimate, unless all of them are legitimate in the generally accepted sense of the word, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Elite Publishing Company, Docket 3521, May 25, 1939]

§ 3.6 (1) *Advertising falsely, or misleadingly—Indorsements and testimonials:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of certain books describing plans or methods of setting up businesses, and known as "Collection of Successful Business Plans" and "The Elite Collection of Successful Plans," that the plans have been "approved," unless and until (a) they have been approved by a reputable independent person or agency or organization qualified to pass judgment on such matters, or (b) the name of the person by whom they have been "approved" is disclosed, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Elite Publishing Company, Docket 3521, May 25, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles

H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF STEVEN V. GIMINO, AND ANTHONY V. GIMINO, INDIVIDUALS TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF ELITE PUBLISHING COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that the Commission may proceed upon the facts stipulated to make its report, stating its findings as to the facts (including inferences which it may draw from the said stipulated facts) and its conclusion based thereon, and enter its order disposing of the proceeding without presentation of argument or the filing of briefs, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Steven V. Gimino and Anthony V. Gimino, their agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of certain books describing plans or methods of setting up businesses now known as "Collection of Successful Business Plans," and "The Elite Collection of Successful Business Plans," whether sold under those names or under any other names, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing any specified sum of money as possible earnings or profits which might accrue to purchasers of respondents' books or publications by following one or more of the plans suggested therein, which is not a true representation of the average net earnings or profits consistently made by purchasers by said means in the ordinary course of business and under normal conditions and circumstances;

(2) Representing any specified sum of money as earnings or profits which have accrued to any purchaser of said books or publications, who has followed one or more of the plans suggested therein, which is not a true representation of the consistent net earnings by such purchasers by said means in the ordinary course of business and under normal conditions and circumstances;

(3) Representing or holding out by the use of such expressions as "Independent Wealth," "Sizable Business," "Thousands of Dollars a Year," and words of like or similar import, that pur-

chasers of said books will, by following one or more of respondents' plans, attain considerable financial worth unless such success has usually or customarily been attained by such purchasers under normal business conditions and in the due course of business;

(4) Representing that any booklet, folder, circular, or the like, describes plans for independent business ventures, unless and until it does in fact describe such plans;

(5) Representing that the chance of a person starting an independent business achieving success is greater than that of one who works for a salary, unless and until such fact is established by authentic and reliable statistics;

(6) Representing that no peddling or house-to-house canvassing is necessary, if in fact either is normally involved in the conduct of respondents' plans;

(7) Representing that the said plans are legitimate, unless all of them are legitimate in the generally accepted sense of the word;

(8) Representing that the plans have been "approved," unless and until (a) they have been approved by a reputable independent person or agency or organization qualified to pass judgment on such matters, or (b) the name of the person by whom they have been "approved" is disclosed;

(9) Representing that the use of the plans or any of them is certain to result in financial gain or may be undertaken without risk of loss.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1926; Filed, June 5, 1939; 10:14 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

SECURITIES AND EXCHANGE COMMISSION

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF RULE U-13-4

Acting pursuant to the authority granted to it by the Public Utility Holding Company Act of 1935, especially Sections 13 (b) and 20 (a) thereof [C. 687, sec. 13, 49 Stat. 825; 15 U.S.C., Supp. III, 79m; c. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Supp. III, 79t], and finding such action necessary and appropriate in the public interest and for the benefit of investors, the Securities and Exchange

Commission hereby adopts Rule U-13-4, which shall read as follows:

§ 15.U-13-4 (Rule U-13-4). *Exemption in the case of transactions with foreign associates.* (a) Any subsidiary company of a registered holding company, which subsidiary is or is about to become engaged in the performance of any service, sales, or construction contract for any associate company which does not derive, directly or indirectly, any material part of its income from sources within the United States and which is not a public-utility company operating within the United States, may make application to the Commission for exemption, in whole or in part, from the standards established by Section 13 (b) [C. 687, sec. 13, 49 Stat. 825; 15 U.S.C., Sup. III, 79m] of the Act, and the rules and regulations promulgated thereunder, relating to the performance of any service, sales or construction contract for such associate companies.

(b) No form is prescribed therefor, but every such application shall comply with the provisions of Rule U-2 [Sec. 15.U-2]. Every such application shall fully set forth information regarding ownership of security issues, servicing activities of the applicant and such other data as may be necessary to enable the Commission to determine if, by reason of the lack of any major interest of holders of securities offered in the United States in servicing arrangements affecting such serviced subsidiaries, or for any other reason, such an application for exemption should be granted as necessary or appropriate in the public interest or for the protection of investors.

(c) Upon filing such an application in good faith, together with an undertaking to segregate and retain all profits earned during the pendency of such application, and, in the event of complete or partial denial of the application, to make a fair and equitable distribution to the serviced companies of those segregated profits, the applicant shall be entitled to a temporary exemption from all provisions of Section 13 (b) [C. 687, sec. 13, 49 Stat. 825; 15 U.S.C., Sup. III, 79m] of the Act, and the rules and regulations promulgated thereunder, as to which an exemption is sought, pending action by the Commission upon the application.

(d) Any subsidiary company of a registered holding company (including a mutual service company) may perform service, sales, or construction contracts for any associate company which does not derive, directly or indirectly, any material part of its income from sources within the United States and which is not a public-utility company operating within the United States, without complying with the standards established by Section 13 (b) [C. 687, sec. 13, 49 Stat. 825; 15 U.S.C., Sup. III, 79m] of the Act, and the rules and regulations thereunder, and without the necessity of filing an application for or securing an order of exemption from those standards, so long

as the aggregate cost to all such associate companies for services, sales, or construction performed by virtue of the exemption granted by this paragraph (whether performed by one or more subsidiary companies or mutual service companies in the same holding company system) does not exceed \$10,000 within any one calendar year.

Effective upon publication.¹

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1929; Filed, June 5, 1939;
11:00 a. m.]

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT OF RULE U-13-31

Acting pursuant to the authority granted to it by the Public Utility Holding Company Act of 1935, especially Sections 13 (b) and 20 (a) thereof [C. 687, sec. 13, 49 Stat. 825; 15 U.S.C., Sup. III, 79m; c. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t], and finding such action necessary and appropriate in the public interest and for the benefit of investors, the Securities and Exchange Commission hereby repeals the former subparagraph (1) of paragraph (d) of Rule U-13-31 [Sec. 15.U-13-31], and renumbers the remaining subparagraphs of paragraph (d) of that rule, so that said paragraph (d) shall read as follows:

(d) The price of services, construction, or goods need not be limited to cost although the transaction comes within the terms of paragraph (a) of this rule if—

(1) Neither the company performing the services or construction, or selling the goods, nor the associate company receiving such services or construction, or buying such goods, is (A) a public-utility or holding company, (B) an investment company or investment trust, including any company or trust which is a medium of investment in securities for the benefit of a registered holding company or its employees or officers, or (C) a company engaged in the business of selling goods to associate companies or performing services or construction, or (D) a company controlling, directly or indirectly, any company specified in (A), (B), or (C) above; or

(2) Such transaction consists of a sale of goods produced by the seller.

The effective date of this amendment shall be June 30, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1930; Filed, June 5, 1939;
11:00 a. m.]

¹ June 5, 1939.

TITLE 31—MONEY AND FINANCE: TREASURY

PUBLIC DEBT SERVICE

[1939—Department Circular No. 611]

UNITED STATES OF AMERICA $\frac{3}{4}$ PERCENT
TREASURY NOTES OF SERIES A-1944

I—OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for $\frac{3}{4}$ percent notes of the United States, designated Treasury Notes of Series A-1944, in payment of which only Treasury Notes of Series D-1939, maturing September 15, 1939, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Notes of Series D-1939 tendered and accepted.

II—DESCRIPTION OF NOTES

1. The notes will be dated June 15, 1939, and will bear interest from that date at the rate of $\frac{3}{4}$ percent per annum, payable semiannually on December 15, 1939, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1944, and will not be subject to call for redemption prior to maturity.

2. The notes shall be exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes, or gift taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III—SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscrip-

tion, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV—PAYMENT

1. Payment at par for notes allotted hereunder must be made or completed on or before June 15, 1939, or on later allotment, and may be made only in Treasury Notes of Series D-1939, maturing September 15, 1939, which will be accepted at par, and should accompany the subscription. Coupons dated September 15, 1939, must be attached to the notes when surrendered, and accrued interest from March 15, 1939, to June 15, 1939 (\$3.4375 per \$1,000) will be paid following acceptance of the notes.

V—GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 39-1939; Filed, June 5, 1939;
12:04 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

COAST AND GEODETIC SURVEY

DISTRIBUTION OF CHARTS

The following new section is added to the Regulations of the U. S. Coast and Geodetic Survey:

Distribution of Charts

§ 501.34 *Sale and distribution.* Current issues of nautical and aeronautical charts and of maps published by the Coast and Geodetic Survey shall be sold to the public at published prices, except as otherwise provided in these Regulations, by the Distribution Branch of the Division of Charts. Sales may be made

either direct, through field stations, through appointed contract sales agents, or through appointed contract recognized dealers.

(a) Sales agents, except employees of the Federal Government, shall be allowed a discount of 33½ percent from published prices on nautical charts and on maps.

(b) Aeronautical charts and maps may be sold at published prices, except that on single orders amounting to \$10 gross or more, for shipment to one address, a quantity discount of 33½ percent shall be allowed.

(c) Recognized dealers, except employees of the Federal Government, shall be allowed a discount of 50 percent from published prices on aeronautical charts.

(d) No commission shall be allowed to any employee of the Federal Government for the sale of charts, maps, or other publications.

(e) Within the limits of number prescribed by law, new nautical charts and maps of the Coast and Geodetic Survey, and new Commerce aeronautical charts, may be issued free to foreign governments, public libraries, scientific associations, and institutions of learning. New editions of Coast and Geodetic Survey charts and maps and of Commerce aeronautical charts may be supplied at a discount of 50 percent from full published prices to public libraries, scientific associations, and institutions of learning. For the purpose of exchange, new editions of Coast and Geodetic Survey charts and maps and of Commerce aeronautical charts may be issued free to foreign governments.

(f) Using due care to avoid losses, credit may be extended to agents and to the public.

(g) Sales agencies shall be carefully supervised and inspected to insure faithful performance of contract.

(h) The Sales Section and officers in charge of field stations are authorized to condemn and withdraw from sale obsolete charts and maps. (R.S. 161:5 U.S.C. 22)

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

JUNE 5, 1939.

[F. R. Doc. 39-1940; Filed, June 5, 1939;
12:47 p. m.]

TITLE 42—PUBLIC HEALTH

PUBLIC HEALTH SERVICE

REGULATIONS FOR INTERNSHIP TRAINING OF MEDICAL AND DENTAL APPLICANTS OF THE AMERICAN REPUBLICS IN THE HOSPITALS MAINTAINED BY THE UNITED STATES PUBLIC HEALTH SERVICE*

Pursuant to the authority contained in Executive Order No. 7964 of August

*Secs. 25.1 to 25.12 issued under the authority contained in the Act of June 24, 1938, 52 Stat. 1034; 20 U.S.C. 221; Ex. Order 7964, Aug. 29, 1938.

29, 1938, prescribed in accordance with the Act of June 24, 1938, 52 Stat. 1034 (U.S.C. title 20, sec. 221), relative to permitting citizens of the American republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof, the following regulations are hereby prescribed for interne training of medical and dental applicants of the American republics in the hospitals maintained by the United States Public Health Service:

§ 25.1 *First- and second-year interne instruction.* Interne instruction shall be divided into first-year and second-year interne instruction in accordance with United States Public Health Service practices governing appointments for regular internships.

Upon recommendation of the Surgeon General of the United States Public Health Service, the Secretary of the Treasury may appoint foreign student internes for second-year foreign student interne training in the special diseases, without their having received the first-year foreign student interne training.*

§ 25.2 *Approval of applicants.* No applicant will be approved unless his application shall have been transmitted by his government through official channels to the Government of the United States, with appropriate guaranties that the applicant in question meets the qualifications and requirements set forth in Sections 25.5 and 25.6 of these regulations and will be equipped with sufficient funds to defray his travel expenses, purchase uniforms and equipment, pay for quarters, subsistence and laundry, and other incidental expenses as may be necessary.

Foreign applicants approved for interne instruction shall be known as "foreign student internes."*

§ 25.3 *Institutions available.* The following hospitals maintained by the United States Public Health Service are available for complete first-year foreign student interne training of medical and dental applicants of the American republics:

U. S. Marine Hospital, Baltimore, Maryland.

U. S. Marine Hospital, Chicago, Illinois.

U. S. Marine Hospital, New Orleans, Louisiana.

U. S. Marine Hospital, Norfolk, Virginia.

U. S. Marine Hospital, San Francisco, California.

U. S. Marine Hospital, Seattle, Washington.

U. S. Marine Hospital, Staten Island, New York.

The following hospitals are available for second-year foreign student interne training in the special diseases treated at the institutions:

U. S. Marine Hospital, Carville, Louisiana (leprosy).

U. S. Marine Hospital, Fort Stanton, New Mexico (tuberculosis).

U. S. Public Health Service Hospital, Fort Worth, Texas (drug addiction).

U. S. Public Health Service Hospital, Lexington, Kentucky (drug addiction).*

§ 25.4 *Maximum number of foreign student internes.* Not more than one foreign student interne from any one republic may be accommodated at the same time in the same institution. The total number of first- and second-year medical and dental foreign student internes in all the institutions in any one year shall not exceed ten. This shall be in addition to regular internships given by the United States Public Health Service to citizens of the United States.*

§ 25.5 *Qualifications.* In order to be admitted to foreign student internship in the hospitals maintained by the United States Public Health Service, an applicant must meet the following qualifications:

(a) Must be a bona fide citizen of any one of the American republics.

(b) Must not be under 22 or over 35 years of age.

(c) Must have successfully completed a course in medicine or dentistry in a recognized medical or dental school.

(d) Must be in good physical condition as evidenced by a certificate of medical examination issued by a physician, that is, must be free from any communicable disease or any disability that would interfere with the proper performance of his duties.

(e) Must possess a good working knowledge of the English language, that is, speak, read and write, and especially understand it.

(f) Must be of good moral character and have professional ability as evidenced by certificates from two of his professors.*

§ 25.6 *Requirements.* In addition to the qualifications prescribed in Section 25.5, a citizen of another American republic admitted to foreign student internship in a hospital maintained by the United States Public Health Service shall be required:

(a) To agree to comply with all the regulations for the government of the institution to which he is assigned for duty, and to submit to the orders and supervision of the Medical Officer in Charge.

(b) To agree to exert every effort to serve a successful foreign student internship.

(c) To report to the institution to which he is assigned July 1st.*

§ 25.7 *Appointment.* Foreign student internes will be appointed by the Secretary of the Treasury, upon the recommendation of the Surgeon General of the United States Public Health Service.*

§ 25.8 *Expenses.* Applicants approved for foreign student internship shall be required to present themselves

at their own expense for duty at the institutions to which they are assigned.*

§ 25.9 *Compensation.* Foreign student internes serving in hospitals maintained by the United States Public Health Service shall receive no compensation therefor.*

§ 25.10 *Uniforms.* Foreign student internes shall be required to obtain United States Public Health Service uniforms at their own expense.*

§ 25.11 *Quarters, subsistence and laundry.* Foreign student internes shall be provided with quarters, subsistence and laundry service at the institutions to which they are assigned for duty under the following conditions:

They shall be charged for quarters, subsistence and laundry service at the rate of Thirty Dollars (\$30.00) United States Currency, per calendar month; or One Dollar (\$1.00) United States Currency per day, for portions of a calendar month. When authorized to absent themselves from their station for periods of a week or more, no charge for quarters, subsistence and laundry service will be made for the period of absence.

Quarters, subsistence and laundry cannot be shared with any other person, nor will internes be permitted to live off the station.*

§ 25.12 *Certificate of service.* At the expiration of each year of satisfactory service and upon the recommendation of the medical officer in charge, the Surgeon General of the United States Public Health Service will issue to foreign student internes admitted under these regulations a certificate of such service.*

[SEAL]

THOMAS PARRAN,
Surgeon General.

Approved, May 29, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-1923; Filed, June 3, 1939; 11:28 a. m.]

TITLE 50—WILDLIFE BUREAU OF FISHERIES

SUBCHAPTER A—ALASKA FISHERIES

PART 205—ALASKA PENINSULA AREA FISHERIES

§ 205.15 *"Waters closed to gill nets, commercial salmon fishing"* is hereby revoked and deleted. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

PART 206—ALEUTIAN ISLANDS AREA FISHERIES

Section 206.7 is amended by substituting the date "June 15" for "June 30", so that the amended section shall read as follows:

§ 206.7 *Closed seasons, commercial herring fishing except for bait purposes.* Commercial fishing for herring, except for bait purposes, is prohibited in the period from January 1 to June 15, both dates inclusive, and from November 1

to December 31, both dates inclusive. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

A new section to be known as Sec. 211.21a is hereby inserted between sections 211.21 and 211.22, to read as follows:

§ 211.21a *Waters closed to all commercial herring fishing.* Commercial fishing for herring, including bait fishing, is prohibited within one statute mile of Tatitlek village. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

[SEAL]

J. M. JOHNSON,
Acting Secretary of Commerce.

JUNE 2, 1939.

[F. R. Doc. 39-1920; Filed, June 3, 1939; 10:52 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49873]

CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

MAY 31, 1939.

To Collectors of Customs and Others Concerned:

Under the authority of section 7 (b) of the Air Commerce Act of 1926 (U.S.C., title 49, sec. 177 (b)), the following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the said act (U.S.C., title 49, sec. 179 (b)), for a period of one year from June 2, 1939:

Name	Location
Great Falls Municipal Airport	Great Falls, Montana.
Havre Municipal Airport	Havre, Montana.
Plattsburg Municipal Airport	Plattsburg, New York.
Spokane Municipal Airport (Felts Field)	Spokane, Washington.
Watertown Municipal Airport	Watertown, New York.

[SEAL]

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39-1922; Filed, June 3, 1939; 11:28 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[RCP-1939 Meagher County, Mont.]

1939 RANGE CONSERVATION PROGRAM BULLETIN FOR MEAGHER COUNTY, MONTANA

SECTION 1—AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

(a) *Authority.* This bulletin supersedes for Meagher County all portions of WR-1939-Montana relating to range.

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1939, payments will be made for participation in the 1939 Meagher County, Montana, Range Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other revisions as may hereafter be made.

(b) *Availability of funds.* The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Meagher County, Montana, under the national 1939 Range Conservation Program and the extent of participation in the 1939 Meagher County, Montana, Range Conservation Program. As an adjustment for participation in the 1939 Meagher County, Montana, Range Conservation Program the rates of payment specified herein may be increased or decreased by as much as 10 percent.

(c) *Applicability.* The provisions of the 1939 Meagher County, Montana, Range Conservation Program contained in this bulletin are not applicable to (1) counties other than Meagher County, Montana, and (2) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) The provisions of this bulletin are to be renewed in 1940 except in case the Agricultural Adjustment Administration finds that (1) the Range Conservation Program has been modified in such manner as to adopt the essential provisions of the Meagher County, Montana, Program or is otherwise modified in such manner as to indicate the continuation of this program is unnecessary or undesirable, or (2) the resulting performance under this program has proven it is not administratively feasible, and that it is not contributing to the improvement of range land or for other reasons indicates its continuation is undesirable, or (3) modifications of the Soil Conservation and Domestic Allotment Act, as amended, and the Agricultural Adjustment Act of 1939 are such as to prohibit its continuation, or are such as to indicate its continuation is not administratively advisable.

SECTION 2—DEFINITIONS

For the purposes of the 1939 Meagher County, Montana, Range Conservation Program,

Secretary means the Secretary of Agriculture of the United States.

Western Region means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

Regional Director means the Director of the Western Division of the Agricultural Adjustment Administration in charge of the 1939 Agricultural Conservation Program, the 1939 Range Conservation Program, and the 1939 Meagher County, Montana, Range Conservation Program, in the State of Montana.

State Committee means the group of persons designated for the State of Montana to assist in the administration of the 1939 Agricultural Conservation Program, the 1939 Range Conservation Program, and the 1939 Meagher County, Montana, Range Conservation Program, in the State of Montana.

County Committee means the group of persons elected within Meagher County to assist in the administration of the 1939 Agricultural Conservation Program and the 1939 Meagher County, Montana, Range Conservation Program.

Person means an individual, partnership, association, corporation, estate or trust, and wherever applicable a State, a political subdivision of a State, or any agency thereof.

Range-building payment means a payment for the carrying out of one or more approved range-building practices.

Range-building allowance means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

Ranch operator means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of, a ranching unit in 1939.

Range land means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Ranching unit means all range land which is used in 1939 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this

program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

Animal unit means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

Grazing capacity of range land means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

Animal month means the grazing capacity necessary to sustain one animal unit for one month.

Limited grazing means the grazing of the forage of the ranching unit at such a rate during the year as to result in a sustained yield of grass or other grazing vegetation without injury to the forage, tree-growth, or watershed.

SECTION 3—RATES OF RANGE-BUILDING PAYMENTS

Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1939 such of the following range-building practices as are approved by the county committee for the ranching unit prior to their institution; *Provided*, Payment for range-building practices other than (a), Natural reseeding by limited grazing, shall not exceed 60 percent of the range-building allowance computed under Section 4 (a), plus the range-building allowance computed under Section 4 (b).

*Practices and Conditions of Payment—Rate of Payment**Reseeding of Range Land*

(a) *Natural reseeding by limited grazing.* Subject to the conditions hereinafter set forth, payments will be made for the performance of limited grazing on range land, if approved by the county committee for the ranching unit prior to its institution, during the year 1939 as follows:

(1) If no goal is established for the ranching unit by the county committee or if a goal is established by the county committee for the ranching unit, and the operator fails to fully comply with the provisions thereof: 40% of that part of the range-building allowance which is computed under Section 4 (a).

(2) If a goal is established for the ranching unit by the county committee and if the operator fully complies with the provisions thereof: 60% of that part of the range-building allowance which is computed under Section 4 (a).

The goal provided for in this Section 3 (a) shall be established by the county committee and shall consist of conditions and specifications other than those listed in this bulletin, and in addition to limited grazing, which the county committee determines are necessary on the ranch either to support and complement the effective conservation use to be made of the range in connection with such range-building practices as are contained in this bulletin or to assist in connection with limited grazing in bringing about on the ranching unit such use of the forage resources as will more effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. The county committee's determination with respect to goals shall be based on conservative range management, forage and feed resources of the ranch, topographic and cultural features, utilization of forage by wildlife and the extent to which the resources of the ranch have been utilized in a conservative manner.

(b) *Artificial reseeding.* For reseeding depleted range land, including mountain meadowland, with good seed of adapted varieties of range grasses, legumes or forage shrubs: \$0.20 per pound of seed sown, but not in excess of \$2.00 per acre.

Erosion and Run-Off Control

(d) *Contour furrowing.* For furrowing range land, including mountain meadowland, on the contour: \$0.50 per acre.

(f) *Spreader dams and terraces.* For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadowland.

(1) Spreader dams: \$0.15 per cubic yard of material moved.

(2) Spreader terraces: \$0.50 per 100 linear feet.

Development of Stock Water on Range Land

(g) *Earthen tanks or reservoirs.* For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock: \$0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and \$0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.

(i) *Wells.* (1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters: \$2.00 per linear foot.

(2) For drilling or digging wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power

pump is installed and the water conveyed to a tank or storage reservoir. An artesian well with casing less than 4 inches in diameter will qualify for payment, provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters: \$1.00 per linear foot.

(j) *Development of natural watering places.* For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided: \$0.30 per cubic foot in soil or gravel and \$0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be \$20.00 and the maximum payment \$100.00 for any single development.

(q) *Fire guards.* For the establishment of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if the fire guard is used in connection with controlled burning within the ranching unit: \$0.05 per 100 linear feet.

SECTION 4—RANGE-BUILDING ALLOWANCE

(a) The range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: *Provided, however,* That the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit.

(b) In addition the range-building allowance shall include 35 cents times the number of acres of mountain meadowland in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit: *Provided, however,* That mountain meadowland for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in subsection (a).

SECTION 5—CONDITIONS OF PAYMENT

(a) No payment for range-building practices carried out under Section 3 will be made unless limited grazing has been carried out on the ranch during 1939 or the county committee shall have determined that the method of ranch management for those ranching units which did not participate in the 1938 range program, has been adjusted before December 31, 1939, in the manner required to successfully carry out limited grazing.

(b) *Promotion of conservation and good range management.* Payments for carrying out range-building practices are conditioned upon the adoption or

maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1939 Meagher County, Montana, Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(c) *Payments limited to range-building allowance.* The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the county and State committees and approved by the Regional Director. Payments made for performance pursuant to the provisions of this bulletin shall not be subject to the provisions of Section 9 of the Montana 1939 Agricultural Conservation Program Bulletin.

(d) *State or Federal aid.* No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 3. *Provided,* That labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by any agency of the same State shall not be deemed to have been furnished by "any State . . . Agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal Agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

SECTION 6—CHANGES IN LEASING ARRANGEMENTS AND OTHER DEVICES

(a) No payment will be made to any person who has for 1939 made any change from the 1938 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1938 leasing arrangements of such range land were in effect in 1939. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1939 Meagher County, Montana, Range Conservation Program has made any change from the 1938 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1939 Meagher County, Montana, Range Conservation Program.

SECTION 7—ELIGIBILITY FOR PAYMENT

(a) *Persons eligible to file application.* Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a percentage of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given

in advance of the expiration of a time limit for filing prescribed forms.

(c) Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm in 1939 shall not be eligible for any payment under the provisions of the 1939 Meagher County, Montana, Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

SECTION 8—PAYMENT RESTRICTED TO EFFECTUATION OF THE PURPOSES OF THE PROGRAM

All or any part of any payments which otherwise would be made to any person under the 1939 Meagher County, Montana, Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1939 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the Regional Director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1939.

SECTION 9—PAYMENTS COMPUTED AND MADE WITHOUT REGARD TO CLAIMS

Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 13), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.

SECTION 10—INCREASE IN SMALL PAYMENTS

The total payment computed for any person with respect to any ranching unit shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1.00;
- (2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;
- (3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	(¹)
\$200.00 and over	(²)

¹ Increase to \$200.00.

² No increase.

SECTION 11—PAYMENTS LIMITED TO \$10,000

The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership or estate with re-

spect to farms and ranching units located in the State of Montana shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

SECTION 12—DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

SECTION 13—ASSIGNMENTS

Any person who may be entitled to any payment in connection with the 1939 Meagher County, Montana, Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 13 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

SECTION 14—ESTABLISHMENT OF GRAZING CAPACITIES

There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the Regional Director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density

of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

SECTION 16—STATE AND REGIONAL BULLETINS, INSTRUCTIONS AND FORMS

The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1939 Meagher County, Montana, Range Conservation Program.

Done at Washington, D. C., this 2nd day of June, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-1919; Filed, June 3, 1939; 10:13 a. m.]

[ECR-306]

1939 AGRICULTURAL CONSERVATION PROGRAM FOR UPSHUR COUNTY, WEST VIRGINIA

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Con-

servation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of Section 7 (a) of the said Act in 1939, payments and grants of aid will be made in Upshur County, West Virginia, for participation in the 1939 Agricultural Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of this bulletin are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact. The making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Upshur County, West Virginia, under the 1939 Agricultural Conservation Program and the extent of participation in the 1939 Upshur County Agricultural Conservation Program. As an adjustment for participation in the 1939 Upshur County Agricultural Conservation Program the rates of payment specified herein may be increased or decreased by as much as 10 percent.

The provisions of the 1939 Agricultural Conservation Program as contained in this bulletin are applicable only in Upshur County, West Virginia.

§ 1 *Soil-building goals.* The soil-building goal for any farm shall be the number of units of soil-building practices equal to two-thirds of the number of dollars computed for the farm under Section 2. A number of units of practices equal to one-half of the number of dollars computed for the farm (under item 2 of Section 2) with respect to noncrop open pasture land are to be carried out on such pasture land.

Insofar as practicable, the county committee will determine for individual farms practices to be followed in meeting the goal, which are not routine farming practices, on the farm but which are needed on the farm in order to preserve and improve soil fertility and prevent erosion.

§ 2 *Payment for full performance.* Payment will be made with respect to any farm for achieving the soil-building goal in an amount which shall be the sum of the following:

- (1) 70 cents for each acre of cropland.
- (2) 25 cents for each acre of fenced noncrop open pasture land in the farm which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land.

§ 3 *Payment for partial performance.* The payment for any farm computed under the provisions of Section 2 shall be subject to all of the following deductions which are applicable to the farm:

(1) \$1.50 for each unit by which the number of units of soil-building practices carried out on noncrop open pasture land is less than the number of units to be carried out on such pasture land as provided in Section 1.

(2) \$1.50 for each unit by which the total soil-building goal is not reached, less any units on which deductions are made under item (1) of this Section 3.

§ 4 *Soil-building practices.* The soil-building practices listed below shall count toward reaching the soil-building goal, to the extent indicated, when carried out in the period November 1, 1938 to October 31, 1939, in accordance with good farming practice and the provisions of this bulletin.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the AAA shall not count toward reaching the goal. If a part of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the AAA and such part represents one-half or more of the total cost of carrying out the practice, the practice shall not count toward reaching the goal; if such part represents less than half of the total cost of carrying out the practice, one-half of the practice shall count toward reaching the goal.

SCHEDULE OF SOIL-BUILDING PRACTICES

A. Each of the following practices in the amounts specified shall be counted as one unit except that the materials specified in items 1, 2, and 3 shall not qualify if applied to perennial or biennial legumes, perennial grasses, or winter legumes seeded in connection with corn, vegetable crops, potatoes, or small grains harvested for grain or for hay after maturity;

1. Application of 240 pounds of 20 percent superphosphate (or its equivalent) to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, or permanent pasture, provided that application on noncrop pasture land shall be counted only if such land has been treated since January 1, 1937, with a minimum of 1,000 pounds per acre of ground limestone, or equivalent, or lime was applied between January 1, 1934, and December 31, 1936, and tests show that lime is not required.

2. Application of 100 pounds of triple superphosphate furnished by the AAA as a grant of aid, to or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, or permanent pasture, provided that application on noncrop pasture land shall be counted only if such land has been treated since January 1, 1937, with a minimum of 1,000 pounds per acre of ground limestone, or equivalent, or lime was applied between January 1, 1934, and December 31, 1936, and tests show that lime is not required.

3. Application of 200 pounds of 50 percent muriate of potash (or its equivalent)

to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, or permanent pasture.

4. Application of 1,500 pounds of ground limestone (or its equivalent) when applied at a rate of not less than 1,000 pounds per acre.

For purposes of this item 4, 100 pounds of ground oyster shell, 150 pounds of limestone screenings, 70 pounds of hydrated lime, or 50 pounds of burned lime, shall be considered, respectively, to be equivalent to 100 pounds of ground limestone.

Ground limestone of which 90 percent or more will pass through a 10-mesh sieve will be considered as ground limestone. Such material of which less than 90 percent will pass through a 10-mesh sieve will be considered as limestone screenings.

5. Each acre seeded to approved red clover, alsike clover, sweet clover, white clover, bluegrass, or mixtures of perennial grasses and legumes containing any of such legumes; provided the land has been treated since January 1, 1938, with a minimum of 200 pounds per acre of 20 percent superphosphate, or equivalent, and since January 1, 1937, with a minimum of 2,000 pounds per acre of ground limestone or equivalent, or lime was applied between January 1, 1934, and December 31, 1936, and tests show that lime is not required.

6. Each acre seeded to orchard grass, vetch, crimson clover, annual ryegrass, or mixtures of perennial grasses and legumes other than a mixture containing a legume listed in 5 above and a mixture consisting solely of timothy and redbud.

7. Each acre of green manure crops; soybeans, cowpeas, crimson clover, vetch, rye, barley, wheat, buckwheat, oats, sudan grass, millet, sorghum, or mixtures of these crops, of which a good stand and good growth is plowed or disced under as green manure.

8. Each two acres seeded to annual lespedeza, timothy, redbud, or a mixture consisting solely of timothy and redbud.

9. Each two acres of soybeans interplanted or grown in combination with soil-depleting crops, of which a good stand and good growth is plowed or disced under as green manure.

10. With prior approval of the county committee, each four acres of strip-cropping with alternate strips of close-grown crops and intertilled crops.

B. Each acre of the following shall be counted as two units. 1. Seeding adapted varieties of alfalfa; provided the land has met the lime and superphosphate requirements determined by a soil test prior to seeding.

2. With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot management as is specified by the AAA.

C. Each acre of the following shall be counted as five units. 1. Planting forest

trees, provided they are protected and cultivated in accordance with good tree-culture practice.

§ 5 *Division of payments.* The amount of payment earned for the farm shall be paid to the person who carried out the soil-building practices and who shared in the crops or livestock on the farm or is the owner of the farm. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices in 1939 the payment shall be divided in the proportion that the units contributed by each person bears to the total units contributed by all persons. All persons contributing to practices carried out on a particular acreage shall be deemed to have contributed equally to the units, unless such persons prove to the county committee that their contributions were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each person contributed thereto.

§ 6 *Increase in small payments.* The total payment computed under Sections 2 to 5, inclusive, for any person on any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.40
\$22.00 to \$22.99	8.80
\$23.00 to \$23.99	9.20
\$24.00 to \$24.99	9.60
\$25.00 to \$25.99	10.00
\$26.00 to \$26.99	10.40
\$27.00 to \$27.99	10.80
\$28.00 to \$28.99	11.20
\$29.00 to \$29.99	11.60
\$30.00 to \$30.99	12.00
\$31.00 to \$31.99	12.40
\$32.00 to \$32.99	12.80
\$33.00 to \$33.99	13.20
\$34.00 to \$34.99	13.60
\$35.00 to \$35.99	14.00
\$36.00 to \$36.99	14.40
\$37.00 to \$37.99	14.80
\$38.00 to \$38.99	15.20
\$39.00 to \$39.99	15.60
\$40.00 to \$40.99	16.00
\$41.00 to \$41.99	16.40
\$42.00 to \$42.99	16.80
\$43.00 to \$43.99	17.20
\$44.00 to \$44.99	17.60

Amount of payment computed—Con.	Increase in payment
\$45.00 to \$45.99	\$12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.10
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	(1)
\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

§ 7 *Materials furnished by Agricultural Adjustment Administration to carry out soil-building practices.* If it is found practicable, limestone, superphosphate, trees, seeds, and other materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. If such materials are furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such material to the Agricultural Adjustment Administration. The rate of such deduction for Upshur County shall be established by the Regional Director. Such deduction shall be applied first to the payment computed for the person to whom such materials are furnished, and the balance, if any, of such deduction shall be prorated among the payments to other persons sharing in the payment with respect to the farm on which such materials were used.

Material shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses the materials in a manner which is not in substantial accord with the purposes for which such materials are furnished, the deduction with respect to the materials misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the materials have been used in a manner which is not in substantial accord with the purposes for which materials are furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal.

§ 8 *General provisions—A. Payment restricted to effectuation of purposes of the program.* All or any part of any

payment which otherwise would be made to any person under the 1939 Agricultural Conservation Program may be withheld:

(1) If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the program;

(2) If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning), or clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10" for coniferous species, and approximately 14" for hardwood species except (1) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (2) where the clearing is for needed cropland, or (3) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

B. Deduction for Association expenses. There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the Upshur County Agricultural Conservation Association.

C. Assignments. Any person who may be entitled to any payment in connection with the 1939 Agricultural Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No assignment will be recognized unless it is made in writing on Form ACP69 in accordance with instructions (ACP-70) issued by the AAA.

Nothing in the provisions of this section shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

D. Persons eligible to file applications for payment. An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section 5, a share in the payment with respect to the farm may be computed.

E. Time and manner of filing application and information required. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any

farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

F. Appeals. Any person may request the county committee in writing to reconsider its determination with respect to any matter affecting the right to or the amount of his payment under the program, within 15 days after notice of the determination is forwarded to or made available to him. After reconsideration by the county committee, an appeal may be made to the State committee and to the Regional Director.

G. Instructions and forms. The Agricultural Adjustment Administration will prepare and issue such instructions and forms as may be required in administering the 1939 Agricultural Conservation Program for Upshur County, West Virginia.

§ 9 *Definitions.* For the purposes of the 1939 Upshur County, West Virginia, Agricultural Conservation Program:

Secretary means the Secretary of Agriculture of the United States.

Regional Director means the director of the East Central Division of the Agricultural Adjustment Administration.

East Central Region means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia and West Virginia.

State Committee means the group of persons designated within the State of West Virginia to assist in the administration of the 1939 Agricultural Conservation Program in the State.

County Committee means the group of persons elected within Upshur County to assist in the Administration of the 1938 Agricultural Conservation Program in the county.

Person means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

Farm means all adjacent or nearby farm land under the same ownership, which is operated by one person.

Cropland means farm land which in 1938 was tilled or was in regular rotation, excluding any land in commercial orchards.

Noncrop open pasture means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

Animal unit means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

Done at Washington, D. C., this 3d day of June 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 39-1924; Filed, June 3, 1939;
12:26 p. m.]

Sugar Division.

WAGE RATES FOR PERSONS EMPLOYED IN MAINLAND CANE SUGAR AREA

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of Section 301 of the Sugar Act of 1937 (Public No. 414, 75th Congress),

Notice is hereby given that public hearings will be held as follows:

At Baton Rouge, Louisiana, in the Agricultural Auditorium, Louisiana State University and A. & M. College on June 13, 1939, at 1:00 p. m.

At New Iberia, Louisiana, in the Court Room, Parish Court House, on June 15, 1939, at 9:30 a. m.

At New Orleans, Louisiana, in Room 301, Association of Commerce Building, on June 16, 1939, at 9:30 a. m.

At Clewiston, Florida, in the Clewiston Public School Auditorium, on June 28, 1939, at 9:00 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, (1) pursuant to the provisions of subsection (b) of section 301 of the said act, fair and reasonable wage rates for persons employed in the mainland cane sugar area in the harvesting of sugarcane during the period from September 1, 1939, to June 30, 1940, and the planting and cultivating of sugarcane during the calendar year 1940, on farms with respect to which applications for payment under the said act are made; and (2) pursuant to the provisions of subsection (d) of section 301 of the said act, fair and reasonable prices for the 1939 crop of sugarcane to be paid by processors who, as producers, apply for payments under the said act.

John C. Bagwell, Haskell Donoho, G. LaGuardia, Charles M. Nicholson and Otis E. Mulliken are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C., this 3rd day of June 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-1927; Filed, June 5, 1939;
10:53 a. m.]

CIVIL AERONAUTICS AUTHORITY.

RESTRICTION OF AIR TRAFFIC OVER ANACOSTIA AND POTOMAC RIVERS ON JUNE 9, 1939

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 2nd day of June 1939. It appearing that:

(a) Their Majesties, the King and Queen of Great Britain, are to be guests of the President aboard the Presidential Yacht POTOMAC on June 9, 1939, for the purpose of making a trip from Washington, D. C., to Mount Vernon, Virginia,

(b) The public interest in the Presidential party, aboard the Yacht POTOMAC while proceeding to and from Mount Vernon and while visiting said Mount Vernon, may result in the attempt of numerous aircraft to maneuver above said Yacht and estate for observation of the President and his guests.

The Authority finds that:

To protect safety in air commerce, it is necessary to promulgate a regulation prohibiting the operation of aircraft, other than of scheduled air carriers (a) above that portion of the Anacostia and Potomac Rivers over which the said Yacht POTOMAC will travel, (b) above the Mount Vernon Estate, during the visit of the President and his guests.

Now, therefore, the Civil Aeronautics Authority, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, makes and promulgates the following regulation:

No civil aircraft, other than of a scheduled air carrier in regular operation, shall be flown at an altitude of less than 1,500 feet within the following designated boundaries:

North. A line from the intersection of the Mount Vernon Memorial Highway and the Arlington Memorial Bridge (Lat. 38°53' N; Long. 77°04' W); across said Arlington Memorial Bridge to the Lincoln Memorial Monument (Lat. 38°53' N; Long. 77°03' W), a distance of one-half mile from said intersection on a true bearing of 65°; a line from the Lincoln Memorial Monument to the Pennsylvania Railroad Bridge (Lat. 38°53' N; Long. 76°58' W) over the Anacostia River and identifiable by its tressels, a distance of 4.2 miles on a true bearing of 99°.

East. A line from the Pennsylvania Railroad Bridge to Fort Washington, Maryland (Lat. 38°43' N; Long. 77°02' W), a distance of twelve miles on a true bearing of 194°; a line from said Fort Washington to Marshall Hall, Maryland (an amusement park), a distance of four miles on a true bearing of 239°.

South. A line from Marshall Hall across the Potomac River to Fort Belvoir, a distance of 2 miles on a true bearing of 279°.

West. From Fort Belvoir, north along the western bank of the Potomac River to and including Mount Vernon, Virginia; thence north along Mount Vernon Memorial Highway to the said intersection of the Mount Vernon Memorial Highway and the Arlington Memorial Bridge.

This regulation shall be effective between the hours of 9:00 A. M. and 8:00 P. M., E. S. T., June 9, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-1936; Filed, June 5, 1939;
11:27 a. m.]

[Docket No. 252]

IN THE MATTER OF PROPOSED NON-STOP SERVICE BY AMERICAN AIRLINES, INC., BETWEEN WASHINGTON, D. C., AND CHICAGO, ILLINOIS

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on June 9, 1939, 10 o'clock a. m. (Eastern Standard Time) in Room 1851, Department of Commerce Building, Washington, D. C., before an Examiner.

Dated Washington, D. C., June 2, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-1935; Filed, June 5, 1939;
11:27 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Investigation and Suspension Docket
No. 4614]

PETROLEUM BETWEEN WASHINGTON, OREGON, IDAHO, AND MONTANA

[Investigation and Suspension Docket
No. 4623]

PETROLEUM, SPOKANE TO WASHINGTON

[No. MC C-125]

PETROLEUM OVER MOTOR CARRIERS' ROUTES IN NORTHWEST

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2nd day of June, A. D. 1939.

Upon consideration of petitions by the North Pacific Coast Freight Bureau, in its own behalf and on behalf of its member railroad companies, and by the Great Northern Railway Company for vacation of the order in I. & S. No. 4614 in so far as it suspends the rates therein described, pending final decision in the proceeding after investigation and hearing, and good cause appearing therefor:

It is ordered, That the above-entitled proceedings be, and they are hereby, assigned for hearing before Commissioner

Aitchison on the 15th day of June, A. D. 1939, at 10 o'clock A. M. (standard time) at the Multnomah Hotel, Portland, Oregon, for the purpose of determining whether the orders in I. & S. No. 4614 and I. & S. No. 4623, in so far as they suspend the rates therein described, should be vacated and set aside, leaving the investigations to proceed in other respects.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-1921; Filed, June 3, 1939;
11:00 a. m.]

[Investigation and Suspension Docket
No. 4614]

PETROLEUM BETWEEN WASHINGTON, OREGON, IDAHO AND MONTANA

[Investigation and Suspension Docket
No. 4623]

PETROLEUM, SPOKANE TO WASHINGTON
[No. MC C-125]

PETROLEUM OVER MOTOR CARRIERS' ROUTES
IN NORTHWEST

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 3rd day of June, A. D. 1939.

Upon further consideration of the above-entitled proceedings, and of the order entered herein on June 2, 1939,¹ assigning the proceedings for hearing before Commissioner Aitchison on the 15th day of June, A. D. 1939, at 10 o'clock A. M. (standard time) at the Multnomah Hotel, Portland, Oregon, for the purpose of determining whether the orders in I. & S. 4614 and I. & S. 4623, in so far as they suspend the rates therein described, should be vacated and set aside, leaving the investigations to proceed in other respects, and good cause appearing therefor:

It is ordered, That the said order of June 2, 1939, be, and it is hereby, vacated and set aside.

It is further ordered, That I. & S. 4614, I. & S. No. 4623 and MC C-125 be, and they are hereby assigned for hearing before Commissioner Aitchison and Examiner Disque on the 15th day of June, A. D. 1939, at 10 o'clock A. M. (standard time) at the Multnomah Hotel, Portland, Oregon, for hearing upon all the issues presented in the orders instituting said proceedings.

By the Commission.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-1934; Filed, June 5, 1939;
11:09 a. m.]

¹ See page 2281.

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of June 1939.

[File No. 1-6]

IN THE MATTER OF TITLE INSURANCE CORPORATION OF ST. LOUIS COMMON STOCK, \$25 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Title Insurance Corporation of Saint Louis pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, \$25 Par Value, from listing and registration on the St. Louis Stock Exchange; and

After appropriate notice, a hearing having been held¹ in this matter; and The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on June 12, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1933; Filed, June 5, 1939;
11:01 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of June A. D. 1939.

[File Nos. 52-7 and 52-8]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

ORDER GRANTING APPLICATIONS

A plan of reorganization for Mountain States Power Company, a subsidiary of Standard Gas and Electric Company, a registered holding company, having been submitted for approval under Section 11 (f) of the Act² by a Committee representing Bondholders of said Mountain States Power Company

¹ 4 F.R. 1574 DI.

² Public Utility Holding Company Act of 1935.

in an application and amendments thereto under Rule U-11F-1; and

A similar application and amendments thereto having been filed by Mountain States Power Company and a Committee representing Preferred Stockholders of said Company for approval of a plan identical with the one above referred to; and

The applicants having incorporated in said applications and amendments thereto various declarations pursuant to Section 7 of the Act; and

Public hearings having been held² on said applications and declarations and amendments thereto after appropriate notice; the applicants having waived, prior to the entry of the Commission's findings, opinion and order, a trial examiner's report, submission to them of proposed findings of fact by the Commission or requested findings of fact by counsel for the Commission, the filing of briefs with the Commission, and oral argument before the Commission; and

The Commission having considered the record in these matters, and having made and filed its findings herein;

It is ordered, That the said identical plans of reorganization be and the same hereby are approved; that the said declarations be and become effective forthwith; and that the said applications as amended be and the same hereby are granted, subject, however, to the following terms and conditions:

(1) That the indenture under which the bonds proposed to be issued under the plans, will be issued, provide in substance that fifteen per centum (15%) of the Debtor's annual gross operating revenues, including revenues from plants leased to others be expended for maintenance and/or credited to a depreciation reserve, subject to any rule, regulation or order of any Federal or State regulatory commission or authority having jurisdiction in the premises;

(2) That the issuance of the new securities be appropriately authorized by the Public Utilities Commissioner of Oregon and the Department of Public Service of Washington;

(3) That the consummation of the plan be effected in substantial compliance with the terms and conditions and for the purposes represented by said applications and declarations as amended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1932; Filed, June 5, 1939;
11:01 a. m.]

² 4 F.R. 1722 DI.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of June, A. D. 1939.

[File No. 43-202]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION, TENNESSEE UTILITIES CORPORATION, THE TENNESSEE ELECTRIC POWER COMPANY, SOUTHERN TENNESSEE POWER COMPANY

ORDER FOR POSTPONEMENT OF HEARING

It appearing to the Commission that a hearing in the matter of the applications and/or declarations of The Commonwealth & Southern Corporation, Tennessee Utilities Corporation, The Tennessee Electric Power Company, and Southern Tennessee Power Company filed pursuant to Sections 6 (b), 7, 10, 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 has been set¹ for the 7th day of June, 1939, at 10:00 o'clock in the forenoon of that day in Room No. 1102 of the offices of the Securities and Exchange Commission in Washington, D. C., and

It further appearing to the Commission that said hearing should be postponed;

It is therefore ordered, That the hearing in the above mentioned matter be and the same is hereby postponed until the 13th day of June, 1939 at 10:00 o'clock in the forenoon of that day at the offices of the Securities and Exchange Commission in Washington, D. C. before Charles S. Moore, Trial Examiner. On such day the hearing-room clerk in Room No. 1102 will advise as to the room where the hearing will be held. All interested parties or persons will govern themselves accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1928; Filed, June 5, 1939;
11:00 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of June, A. D. 1939.

[File No. 43-210]

IN THE MATTER OF BRADFORD ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act

¹ 4 F.R. 2096 DI.

of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 19th, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 13th, 1939.

The matter concerned herewith is in regard to a declaration by Bradford Electric Company, a direct subsidiary of NY PA NJ Utilities Company, a registered holding company, seeking the approval of the issuance and sale of a promissory note in the principal amount of \$395,000 to mature in eleven months. It is proposed by declarant that the note be dated June 29, 1939, that the principal be payable in monthly installments of \$5,000 each beginning July 29, 1939, and on the 29th day of the month each month thereafter to and including April 29, 1940, and the balance of \$345,000 on May 29, 1940, and that the interest, which is to be at the rate of 3% per annum, be payable August 29, 1939, and quarterly thereafter. It is stated that the note will be sold to The Chase National Bank of the City of New York to refund a note in the principal amount of \$450,000 presently held by said bank, the unpaid balance of which will amount to \$395,000 on June 29, 1939, the date of its maturity.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1931; Filed, June 5, 1939;
11:01 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of June, A. D. 1939.

[File No. 65-1]

IN THE MATTER OF HALSEY, STUART & CO. INC.

NOTICE OF AND ORDER FOR HEARING

A request for a finding pursuant to Rule U-12F-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 15, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 12, 1939.

The matter concerned herewith is in regard to the status under Rule U-12F-2 of Halsey, Stuart & Co. Inc. as a prospective underwriter of the securities proposed to be issued by Public Service Company of Colorado and covered by proceeding pending before the Commission in File No. 43-195.

It is further ordered that for the purpose of this proceeding only the above entitled matter be consolidated with the proceedings under File No. 43-195.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1938; Filed, June 5, 1939;
11:40 a. m.]

